



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural Resources

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July 8, 2005

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO

**Intermet Archer Creek Foundry
Registration Number: 30121**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1300 *et seq.* and 10.1-1185, between the State Air Pollution Control Board and Intermet Archer Creek Foundry for the purpose of resolving certain violations of environmental law and/or regulations. This violation was addressed in a Notice of Violations (NOV) dated February 8, 2005.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Order.
6. "Intermet Archer Creek Foundry" means that this is a facility that is located in Campbell County and is certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

7. "Facility" means the Internet Archer Creek Foundry facility, located in Campbell County, Virginia.
8. "Regulations" means the "State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution," which have been incorporated into Title 9 of the Virginia Administrative Code (VAC).

SECTION C: Findings of Fact and Conclusions of Law

1. Internet Archer Creek Foundry is an automated green sand facility, producing ductile iron castings up to 100 pounds. The facility currently has five valid permits: the June 25, 2001 permit to construct and operate a used/waste sand and baghouse handling system, a September 5, 2001 permit to construct and operate a slag processing plant, a April 19, 2002 permit to operate core machines, a April 19, 2002 permit to modify and operate a gray and ductile iron foundry, and a Title V permit to operate a gray and ductile iron parts manufacturing facility dated October 7, 2002. An amendment was made to the Title V permit on March 17, 2003.
2. Citizen complaints were reported to EPA Region III on January 5, 10 and 19, 2005. The complaints referenced excess emissions coming from the facility resulting in a brown dust and/or sand that is accumulating on their vehicles.
3. On January 7, 2005, Internet Archer Creek Foundry reported excess visible emissions of 20 percent opacity from the roof line eyebrow. The roof line eyebrow is a continuous vent across the top of the building where emissions are released from the metal treatment portion of the facility. The 6-minute Visible Emission Evaluation that was conducted, resulted in recorded emissions greater than 20 percent opacity, therefore, a 60-minute evaluation was performed. The greatest 6-minute average was 33.75 percent opacity.
4. Condition XV.A.1 (General Conditions) of the March 17, 2003, Title V Permit states the following:

Unless otherwise specified in this part, on or after the date on which the performance test required to be conducted by 9 VAC 5-50-30 is completed, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility (constructed, modified or relocated after March 17, 1972, or reconstructed on or after December 10, 1976) any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section. (9 VAC 5-50-80 and 9 VAC 5-80-110)

5. Internet Archer Creek Foundry violated 9 VAC 5-50-80 and 9 VAC 5-80-110 of the Regulations.
6. Internet Archer Creek Foundry submitted objectives on April 4, 2005, that they could perform to help reduce visible emissions from the facility and improve air pollution control operations. These objectives include installing a bag leak detection system and site specific monitoring plans for the Cupola, ETA and Wheelabrator Baghouses. The facility will also perform daily visible emission evaluations for each baghouse until the bag leak detection systems are installed on each unit.
7. Internet Archer Creek Foundry submitted a schedule on May 9, 2005, for completing the objectives listed in the April 4, 2005 submittal. Some of the items were not listed in the April 4, 2005 submittal and the facility resubmitted a corrected schedule on May 12, 2005.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority of §10.1-1307 D., §10.1-1309, §10.1-1184, §10.1-1316 C., and §10.1-1186.2 orders and Internet Archer Creek Foundry agrees that:

1. To remedy the violations described in Section C above and bring the facility into compliance with the regulations, Internet Archer Creek Foundry shall perform the actions described in Appendix A to the Order.
2. Internet Archer Creek foundry shall pay a civil charge of \$869.00 within thirty (30) days of the effective date of this Order. Payment shall be by check, certified check, money order, or cashier check payable to "Treasurer of the Commonwealth of Virginia" and sent to:

Receipts Control
Department of Environmental Quality
PO Box 10150
Richmond, Virginia 23240

Internet Archer Creek Foundry shall include its Federal Identification Number with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this paragraph.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Internet Archer Creek Foundry, for good cause shown by Internet Archer Creek Foundry, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Internet Archer

Creek Foundry by DEQ on February 8, 2005. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.

3. For purposes of this Order and subsequent actions with respect to this Order, Internet Archer Creek Foundry admits the jurisdictional allegations, but does not admit factual findings, and conclusions of law contained herein.
4. Internet Archer Creek Foundry consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Internet Archer Creek Foundry declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Internet Archer Creek Foundry to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Internet Archer Creek Foundry shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Internet Archer Creek Foundry shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Internet Archer Creek Foundry shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;

- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

- 9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
- 10. This Order shall become effective upon execution by both the Director or his designee and Intermet Archer Creek Foundry. Notwithstanding the foregoing, Intermet Archer Creek Foundry agrees to be bound by any compliance date, which precedes the effective date of this Order.
- 11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Intermet Archer Creek Foundry. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Intermet Archer Creek Foundry, from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below Intermet Archer Creek Foundry voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of Sept 7, 2005.



Director

Department of Environmental Quality

Intermet Archer Creek Foundry voluntarily agrees to the issuance of this Order.

By: William D. Hopkins

Date: 9-6-05

Commonwealth of Virginia, City/County of Carroll

The foregoing document was signed and acknowledged before me this 6 day of

September, 2005, by William D. Hopkins, who is
(name)

Plant Manager of Intermet Archer Creek Foundry on behalf of the Corporation.
(title)


Notary Public

My commission expires: 12-31-06



Appendix A

1. **Within 60 days** of the effective date of this order, Intermet Archer Creek Foundry shall submit, to DEQ, a completed Form 7 Application for the installation of the bag leak detection systems and request an amendment to the permit dated December 23, 2004, to incorporate the requirement for a bag leak detection system monitoring plan.
2. **Within 120 days** of the effective date of this order, Intermet Archer Creek Foundry shall install the bag leak detection system and prepare a site specific monitoring plan for the ETA Baghouse. Intermet Archer Creek Foundry will also perform daily visible emission evaluations of the ETA Baghouse until the bag leak detection system has been installed. These evaluations will begin no later than August 22, 2005.
3. **Within 210 days** of the effective date of this order, Intermet Archer Creek Foundry shall install the bag leak detection systems on each stack and prepare a site-specific monitoring plan for the Wheelabrator Baghouse. Intermet Archer Creek Foundry will also perform daily visible emission evaluations of the Wheelabrator Baghouse until the bag leak detection system is installed. These evaluations will begin no later than July August 22, 2005.
4. **Within 270 days** of the effective date of this order, Intermet Archer Creek Foundry shall install the bag leak detection system and prepare a site-specific monitoring plan for the Cupola Baghouse. Intermet Archer Creek Foundry will also be responsible for performing daily visible emission evaluations of the Cupola Baghouse until the bag leak detection system is installed. These evaluations will begin no later than August 22, 2005. Intermet Archer Creek Foundry shall demonstrate compliance with 40 CFR 63 Subpart EEEEE Sections 63.7710.b. 1-5 (Operation and Maintenance Requirements), as it applies to the operation of the Cupola Baghouse.